

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH HATLEN,

Plaintiff,

vs.

GREG COX, et al.,

Defendants.

3:12-cv-00534-MMD-WGC

ORDER

re: Plaintiff's Motion to Disclose
 Defendants Criminal Obstruction
 Tampering and Destruction of Legal
 Documents and Exhaustion Remedy by
 Acts of 'Forgery' (6 counts)
 Doc # 114

Before the court is Plaintiff's "Motion to Disclose Defendants Criminal Obstruction Tampering and Destruction of Legal Documents and Exhaustion Remedy by Acts of 'Forgery' (6 counts)." (Doc. # 114.) Defendants have opposed. (Doc. # 118.) Plaintiff alleges "criminal forgery, deception, tampering with evidence in an active civil trial" and also complaints of "attempts to conceal the 300 counts of criminal misconduct to avoid accountability & consequences in acts of deliberate malicious obstruction and retaliation." (Doc. # 114 at 2.)

The court does not view Plaintiff's motion as an appropriate matter for disposition within the purview of an action of a complaint filed under 42 U.S.C. § 1983. The court, as Plaintiff has been previously advised, is not a "super grievance forum" wherein Plaintiff may complain that certain of his hundreds of grievances are allegedly improperly resolved, or in this instance, purportedly forged.

Plaintiff also argues that "none" of his "fradulently (sic) dismissed 300 grievance have been returned to this plaintiff... ." He thus contends he cannot exhaust his administrative requirements as a result of "obstruction, retaliation and criminal misconduct." (*Id.*, at 4.) However, several of the attachments Plaintiff submitted with his motion are Nevada Department of Corrections (NDOC)

1 memoranda to Plaintiff advising Plaintiff his multiple grievances were received and answered. In seven
 2 of the NDOC memoranda Plaintiff attaches, Plaintiff was informed, “you have exhausted the grievance
 3 process on these grievances.” (*Id.*, at p. 7 (identifying 50 grievances); p. 3 (60 grievances); p. 11 (14
 4 grievances); p. 13 (20 grievances); and p. 8 (13 grievances) (emphasis added). Thus, by Plaintiff’s own
 5 submission, many of his grievances have indeed been addressed – and exhausted.

6 42 U.S.C. 1997e(a) of the Prison Litigation Reform Act requires any complaints brought by an
 7 inmate under § 1983 to be first addressed, completely, under the institution’s administrative remedies.
 8 This exhaustion requirement necessitates full and complete compliance with and satisfaction of the
 9 institution’s administrative remedies. *Woodford v. Ngo*, 548 U.S. 81, 93 (2006); *Sapp v. Kimbrell*, 623
 10 F.2d 813, 821 (9th Cir. 2010). These administrative remedies must be exhausted prior to filing suit, not
 11 during the pendency of the suit. *McKinney v. Carey*, 311 F.3d 1198, 1199 (9th Cir. 2002).

12 Plaintiff must therefore exhaust all administrative remedies before he may seek relief under
 13 42 U.S.C. § 1983. Plaintiff’s exhibits belie his assertion in his motion he has not been able to exhaust
 14 his administrative remedies because of the actions of any of the defendants. Nor has Plaintiff established
 15 his assertion the NDOC memoranda depict an “act of federal criminal forgery, exception, tapering (sic)
 16 with evidence in an active federal civil trial by the Defendants... .” (Doc # 114 at 2.)

17 To the extent Plaintiff seeks a hearing before this court with respect to the subject of his motion,
 18 the court in its discretion **DENIES** Plaintiff’s request. The court does not perceive how oral arguments
 19 would at all assist in resolving Plaintiff’s motion. Local Rule 78-2.¹ This court obviously defers to Chief
 20 District Judge Jones and/or District Judge Du as to whether they wish to hear Plaintiff’s motion as
 21 Plaintiff requests. (Doc. # 114 at 5.).

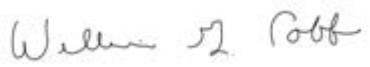
22 As to the other relief sought by Plaintiff, i.e., for the United States Attorney General to file
 23 criminal charges against Defendants, even if the court were to find there is some modicum of merit in
 24 Plaintiff’s motion (which it does not), this court does not have the authority to order the Attorney
 25 General to file criminal charges against anyone, let alone these Defendants. Plaintiff’s relief in that
 26 respect is also **DENIED**.

27
 28 ¹ LR 78-2, provides: All motions may, in the court’s discretion, be considered and decided with or without a hearing.

1 Plaintiff's motion (Doc. # 114) is **DENIED**.

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3 **IT IS SO ORDERED.**

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5 DATED: November 1, 2013.

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8 WILLIAM G. COBB
9 UNITED STATES MAGISTRATE JUDGE
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